

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Timothy Johnson

(b) County of Residence of First Listed Plaintiff Montgomery  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Saffren & Weinberg, 815 Greenwood Ave., Ste. 22  
Jenkintown, PA 19046

**DEFENDANTS**

North Italia, FRC Balance, LLC, The Food Kitchen, Geoff  
Allen c/o North Italia

County of Residence of First Listed Defendant Montgomery  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. 2000(e) (Title VII)

Brief description of cause:  
Gender discrimination and sexual harassment in employment

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
10/27/21

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 1116 WEST 118Y ST., NORRISTOWN, PA 19401  
Address of Defendant: 350 MALL BLVD., STE. 1000C, KING OF PRUSSIA, PA 19406  
Place of Accident, Incident or Transaction: 350 MALL BLVD., STE 1000C, KING OF PRUSSIA, PA 19406

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/27/21 [Signature] 60643  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts  
☐ 2. FELA  
☐ 3. Jones Act-Personal Injury  
☐ 4. Antitrust  
☐ 5. Patent  
☐ 6. Labor-Management Relations  
☒ 7. Civil Rights  
☐ 8. Habeas Corpus  
☐ 9. Securities Act(s) Cases  
☐ 10. Social Security Review Cases  
☐ 11. All other Federal Question Cases  
(Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts  
☐ 2. Airplane Personal Injury  
☐ 3. Assault, Defamation  
☐ 4. Marine Personal Injury  
☐ 5. Motor Vehicle Personal Injury  
☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_  
☐ 7. Products Liability  
☐ 8. Products Liability – Asbestos  
☐ 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, MARC A. WEINBERG, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☒ Relief other than monetary damages is sought.

DATE: 10/27/21 [Signature] 60643  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

TIMOTHY JOHNSON  
1116 West Airy Street  
Norristown, PA 19401  
Plaintiff,  
v.

NORTH ITALIA  
350 Mall Boulevard, Suite 1000C  
King of Prussia, PA 19406  
and  
FRC Balance, LLC  
4455 E. Camelback Road, Ste. A  
Phoenix, AZ 85018  
and  
THE FOOD KITCHEN  
4455 E. Camelback Road, Ste. A  
Phoenix, AZ 85018  
and  
GEOFF ALLEN c/o NORTH ITALIA  
350 Mall Boulevard, Suite 1000C  
King of Prussia, PA 19406  
Defendants,

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**CIVIL ACTION NO.:**  
**JURY TRIAL DEMANDED**

**COMPLAINT**

**I. PRELIMINARY STATEMENT**

1. Plaintiff, Timothy Johnson (hereinafter “Plaintiff”) brings this action under the Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.* (“Title VII”); the Pennsylvania Human Relations Act, 43 P.S. §954 *et seq.* (“PHRA”); Pennsylvania Common Law and for gender discrimination, sexual harassment and retaliation in exercising his rights under the aforementioned statutes. Plaintiff seeks equitable relief, compensatory damages, costs and attorney fees from Defendants for Defendants’ discriminatory practices and other tortuous actions.

### **III. THE PARTIES**

2. Plaintiff is an adult individual and a citizen of the Commonwealth of Pennsylvania currently residing at the above-captioned address.

3. Upon information and belief, Defendant, North Italia, is a corporation or other duly organized business, that maintains a principal place of business at the above-captioned address and is licensed and authorized to do business in the Commonwealth of Pennsylvania and in the City and County of Philadelphia, Pennsylvania.

4. Upon information and belief, Defendant, FRC Balance, LLC is a corporation or other duly organized business, that maintains a principal place of business at the above-captioned address and is licensed and authorized to do business in the Commonwealth of Pennsylvania and in the City and County of Philadelphia, Pennsylvania.

5. Upon information and belief, Defendant, The Food Kitchen is a corporation or other duly organized business, that maintains a principal place of business at the above-captioned address and is licensed and authorized to do business in the Commonwealth of Pennsylvania and in the City and County of Philadelphia, Pennsylvania.

6. Upon information and belief, Defendant, Geoff Allen is a an individual, who at all times material hereto was employed by the Defendant, North Italia, as an executive chef.

7. At all times material hereto, Defendants acted individually, and/or through their agents, representatives, servants and/or employees, ostensible or otherwise, who were then and there engaged in Defendants' business and acting within the scope of their agency, servitude and/or employment on behalf of Defendants.

8. At all times material hereto, the conduct of Defendants as enumerated within this Complaint occurred within the Commonwealth of Pennsylvania and the City and County of Montgomery, Pennsylvania.

## **II. JURISDICTION AND VENUE**

9. Jurisdiction over this action is conferred on this Court by 28 U.S.C. §1331 and 28 U.S.C. §1343.

10. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §1391.

11. At all times material hereto, Defendants were “engaged in an industry affecting commerce” as defined in the Labor Management Relations Act, 29 U.S.C. 142 (1) and (3).

12. At all times material hereto, Defendants employed more than fifty (50) employees.

13. At all times material hereto, Defendants were an “employer” as defined by Title VII.

14. At all times material hereto, Defendants were an “employer” as defined by the ADA.

15. At all times material hereto, Defendants were an “employer” as defined by §§4 and 5 of the Pennsylvania Human Relations Act, 43 P.S. §954 *et seq.*

16. At all times material hereto, Defendants aided and abetted the pervasive interference, discrimination, hostile work environment and harassment that Plaintiff was subjected to during the course and scope of her employment.

17. Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), and a subsequent Amended Charge of Discrimination,

claiming discrimination based on Gender discrimination and Sexual Harassment under Title VII, retaliation and violation of Pennsylvania Statutory Law under the PHRA .

18. The EEOC charge enumerated *supra* was filed concurrently with the Pennsylvania Human Relations Commission (“PHRA”).

19. Plaintiff has complied with all jurisdictional prerequisites and a Notice of Rights was issued by the Equal Employment Opportunity Commission with respect to Plaintiff’s Charge of Discrimination and Amended Charge of Discrimination on August 4, 2021. (Attached hereto as Exhibit “A”).

20. Venue in the Eastern District of Pennsylvania is proper as at all times material hereto the events complained of and violations of the enumerated statues and laws were committed within the City and County of Montgomery, Pennsylvania which is within the Eastern District of Pennsylvania.

### **III. FACTUAL ASSERTION**

21. Timothy Johnson (hereinafter “Johnson” or “Plaintiff”) was hired by the Defendants, North Italia, FRC Balance, LLC and The Food Kitchen (hereinafter, collectively “North Italia Defendants”), as a cook at the North Italia location at the King of Prussia Mall, 350 Mall Boulevard, Suite 1000C, King of Prussia, PA 19046.

22. In or about October, 2018. Plaintiff’s immediate supervisor was executive chef, Geoff Allen (hereinafter “Allen”).

23. Plaintiff reported directly to Allen in the kitchen.

24. In or about June, 2019, Allen caressed Plaintiff’s face, without Plaintiff’s consent.

25. Plaintiff asked Allen not to touch him, and reported the touching incident to Kelly, the Front of House Manager of the restaurant.

26. No action was taken by the Defendants regarding the touching incident.

27. In or about July, 2019, Allen hugged Plaintiff, once again, touching Plaintiff without his consent.

28. Plaintiff attempted to push Allen off of him while Allen was hugging the Plaintiff.

29. On or about August 22, 2019, Allen grabbed the Plaintiff's crotch, and squeezed the Plaintiff's penis.

30. Plaintiff then walked off the line.

31. Upon information and belief, Allen has a history of misconduct, which Defendants were aware of, however, took no action.

32. Plaintiff was sexually harassed by Allen, and subjected to a hostile work environment as the Defendants permitted the sexual harassment of Plaintiff to be ongoing, and pervasive.

33. In or about July, 2020, after reporting the sexual harassment, and filing a charge with the EEOC, Plaintiff was terminated.

34. Plaintiff's termination was in direct retaliation for reporting the sexual harassment and filing his charge of discrimination with the EEOC.

35. At all times material hereto, the Defendants acted and were responsible for the actions of their agents, assigns, servants and employees.

36. At all times material hereto, the Defendants acted by and through the actions of their agents, assigns, servants and employees.

37. At all times material hereto, the Defendants were responsible for the actions of their agents, assigns, servants and employees via *respondeat superior*.



**COUNT I**  
**TIMOTHY JOHNSON V. NORTH ITALIA, FRC BALANCE, LLC, THE FOOD**  
**KITCHEN, and GEOFF ALLEN C/O NORTH ITALIA**  
**VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964,**  
**42 U.S.C. 2000e et seq. and Retaliation**

38. All aforementioned paragraphs are incorporated by reference as if fully set forth at length herein.

39. The conduct of Defendants' treatment of Plaintiff in his employment and termination violated Title VII of the Civil Rights Act of 1964 as the harassment, hostile work environment, retaliation and discrimination that Plaintiff was subjected to was unwelcome, unwarranted, and a clear violation of Title VII.

40. Plaintiff was subject to different and negative treatment including retaliation and termination because he refused said sexual harassment.

41. Plaintiff was subject to discipline, and was sexually harassed based upon his gender.

42. Other, similarly situated male employees of Defendants were not subject to similar gender-based harassment and discrimination.

43. At all times material hereto, the aforementioned discrimination and harassment was unwelcome.

44. At all times material hereto, the aforementioned discrimination and harassment was severe and pervasive.

45. The discrimination, harassment, and hostile work environment, to which Defendants subjected Plaintiff was intentional, with malice and with reckless indifference.

46. Plaintiff was subject to different and negative treatment including retaliation and he reported said sexual harassment, and as such was subject to retaliation.



47. Defendants by and through its employees, servants and agents were aware of the sexual harassment that the Plaintiff was subjected to at the workplace.

48. Defendants by and through its employees, servants and agents were aware of the gender discrimination that Plaintiff was subjected to at the workplace by her coworkers and supervisors.

WHEREFORE, Plaintiff, Timothy Johnson, seeks a determination that the Defendants, North Italia, FRC Balance, LLC, The Food Kitchen and Geoff Allen c/o North Italia, violated Title VII of the Civil Rights Act of 1964 and request all damages and relief permitted under the Act including but not limited to:

- (a) back pay and front pay;
- (b) compensatory and punitive damages;
- (c) equitable relief such as reinstatement of a rightful place;
- (d) retroactive relief such as seniority and entitlement;
- (e) injunctive relief included but not limited to barring future discriminatory conduct;
- (f) attorney's fees, expert fees, costs and expenses;
- (g) and such further relief as this court deems just and fair.

## **COUNT II**

### **TIMOTHY JOHNSON V. NORTH ITALIA, FRC BALANCE, LLC, THE FOOD KITCHEN, and GEOFF ALLEN C/O NORTH ITALIA VIOLATION OF PENNSYLVANIA HUMAN RELATIONS ACT 33 PS 955, ET SEQ.**

49. Plaintiff hereby incorporates by reference all of the aforementioned paragraphs as if fully set forth at length herein.

50. Defendants discriminated against Plaintiff because he refused the sexual advances of his supervisor and reported said sexual harassment which is in violation of the Pennsylvania Human Relations Act, 43 P.S. §954, *et seq.*

51. Defendants discriminated against Plaintiff in the terms, conditions and privileges of her employment as Defendants allowed, fostered and subjected Plaintiff to harassment, hostile work environment and retaliation as set forth above.

52. At all times material hereto, the aforementioned discrimination and harassment was unwelcome.

53. At all times material hereto, the aforementioned discrimination and harassment was severe and pervasive.

54. At all times material hereto, the aforementioned discrimination and harassment unreasonably altered the condition of Plaintiff's employment and created a hostile work environment.

55. Defendants knew or should have known about the aforementioned discrimination, harassment and hostile work environment to which Plaintiff was subjected during the course of her employment.

56. Defendants failed to take prompt, remedial action to eliminate the aforementioned discrimination, harassment and hostile work environment to which Plaintiff was subjected during the course of her employment.

57. The discrimination, harassment, hostile work environment and retaliation to which Defendants subjected Plaintiff was intentional, with malice and with reckless indifference.

58. Defendants' reasons for disciplining Plaintiff were pretextual to obscure Defendants' discriminatory animus and purpose.

59. During the course and scope of Plaintiff's employment, he was subjected to ongoing antagonism.


60. The conduct of Defendants' treatment of Plaintiff in his employment and retaliation violated the Pennsylvania Human Relations Act, 43 P.S. §954, *et seq.*, as Plaintiff's harassment, hostile work environment, retaliation and discharge from employment was based upon gender discrimination, sexual harassment and retaliation.

61. At the time of termination the Defendants by and through its employees, servants and agents was aware of the discrimination and sexual harassment that the Plaintiff was subjected to at the workplace by his supervisor.

WHEREFORE, Plaintiff, Timothy Johnson seeks a determination that the Defendants, North Italia, FRC Balance, LLC, The Food Kitchen and Geoff Allen c/o North Italia violated the Pennsylvania Human Relations Act, 43 P.S. §954, *et seq.*, and requests all damages and relief permitted under the Pennsylvania Human Relations Act, 43 P.S. §954, *et seq.*, including but not limited to: back pay and front pay; equitable relief; injunctive relief included but not limited to barring future discriminatory conduct; attorney's fees, expert fees, costs and expenses; punitive damages, and such further relief as this Court deems just and fair.

Respectfully submitted,  
**SAFFREN & WEINBERG**

BY:

  
\_\_\_\_\_  
**MARC A. WEINBERG, ESQUIRE**  
**P.A. I.D. 60643**  
**815 Greenwood Avenue, Suite 22**  
**Jenkintown, PA 19046**  
**(215) 576-0100**  
**mweinberg@saffwein.com**

Dated:

10/27/21

**EXHIBIT “A”**

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Timothy Johnson**  
**1116 West Airy Street**  
**Norristown, PA 19401**

From: **Philadelphia District Office**  
**801 Market Street**  
**Suite 1000**  
**Philadelphia, PA 19107**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**530-2021-02854**

**Legal Unit,**  
**Legal Technician**

**(267) 589-9707****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

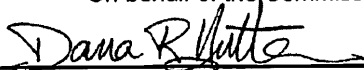
**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


**08/04/2021**

Enclosures(s)

**Dana R. Hutter,**  
**Deputy Director**

(Date Issued)

cc:

**Peggah B. Wilson**  
**CONSTANGY, BROOKS, SMITH & PROPHETE, LLP**  
**12500 Fair Lakes Circle**  
**Suite 300**  
**Fairfax, VA 22030**

**Marc A. Weinberg, Esq.**  
**SAFFEN & WEINBERG**  
**815 Greenwood Ave**  
**Jenkintown, PA 19046**

EEOC Form 161 (11/2020)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Timothy Johnson**  
**1116 West Airy Street**  
**Norristown, PA 19401**

From: **Philadelphia District Office**  
**801 Market Street**  
**Suite 1000**  
**Philadelphia, PA 19107**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**530-2020-02070**

**Legal Unit,**  
**Legal Technician**

**(267) 589-9707****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

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**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

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On behalf of the Commission


**08/04/2021**

Enclosures(s)

**Dana R. Hutter,**  
**Deputy Director**

(Date Issued)

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**Peggah B. Wilson**  
**CONSTANGY BROOKS, SMITH & PROPHETE, LLP**  
**12500 Fair Lakes Circle**  
**Suite 300**  
**Fairfax, VA 22033**

**Marc A. Weinberg, Esq.**  
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**815 Greenwood Avenue Suite 22**  
**Jenkintown, PA 19046**